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Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy

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Sudan: Humanitarian Crisis, Peace Talks, Terrorism, and U.S. Policy

SUMMARY

Sudan, geographically the largest country in Africa, has been ravaged by civil war intermittently for 4 decades. An estimated 2 million people have died over the past two decades due to war-related causes and famine, and millions have been displaced from their homes. According to the United Nations, an estimated 3 million people are in need of emergency food aid.

The relief operation is being coordinated by Operation Lifeline Sudan (OLS), established in 1989 in response to the 1988 humanitarian crisis in which over 200,000 people died of starvation. The OLS, a consortium of U.N. agencies and three dozen non-governmental organizations (NGOs), operates in both government and rebel-controlled territories.

The 20-year civil war has been and continues to be a major contributing factor to recurring humanitarian crisis. There have been many failed attempts to end the civil war in southern Sudan, including efforts by Nigeria, Kenya, Ethiopia, former President Jimmy Carter, and the United States. To that end, the heads of state from Ethiopia, Eritrea, Kenya and Uganda formed a mediation committee under the aegis of the Inter-Governmental Authority for Development (IGAD) and held the first formal negotiations in March 1994. The basis of these talks is the Declaration of Principles (DOP), which includes the right of self-determination, separation of religion and the state (secularism), and a referendum to be held in the south with secession as an option. Although the National Islamic Front (NIF) government reluctantly accepted the DOP in 1994, the government in Khartoum has repeat-

edly resisted secularism, walking out on peace talks in September 1994 and returning in July 1997 after a series of military defeats. In July 2002, the Sudan government and the Sudan People's Liberation Army (SPLA) signed a peace framework agreement in Kenya. In early September, the government of Sudan walked out of the Machakos talks and returned under pressure in early October 2002.

Relations between the United States and Sudan are poor in part because of Khartoum's human rights violations, its war policy in the south, and its support for international terrorism, although in recent months relations have improved somewhat. In November 1997, the Clinton Administration imposed comprehensive sanctions on the NIF government. President Bush renewed the sanctions in late October 2002. On September 6, 2001, President Bush appointed former Senator John Danforth as Special Envoy for peace in the Sudan. In January 2002, Envoy Danforth spent several days in Sudan, his second visit to the region. In April, Danforth submitted his report to President Bush.

On October 2, 2002, Representative Tom Tancredo and 13 other House Members introduced H.R. 5531, the Sudan Peace Act. H.R. 5531 is similar to an earlier version passed by both the House and Senate. On October 7, 2002, the House passed H.R. 5531, 359-8. On October 9, 2002, the Senate passed the Sudan Peace Act without amendment by unanimous consent. On October 21, 2002, President Bush signed the bill (P.L. 107-245) at a White House ceremony.

MOST RECENT DEVELOPMENTS

In early July 2003, the IGAD mediator, General Lazaro Sumbeiywo, submitted a document entitled "Draft Framework for Resolution of Outstanding Issues" to the government of Sudan and the Sudan People's Liberation Movement (SPLM). The SPLM delegation accepted the document as the basis for negotiations, while the government of Sudan walked out of the talks accusing the mediator.

On July 16, 2003, the House of Representatives passed a resolution (H.Res.194) condemning the government of Sudan for slavery in Sudan. The resolution states that "the efforts of the government of Khartoum to subjugate the peoples of southern Sudan have led to the death of more than 2,000,000 persons and the displacement of another 4,000,000 persons."

BACKGROUND AND ANALYSIS

In 1956, Sudan became the first independent (from Britain and Egypt) country in sub-Saharan Africa. For almost 4 decades, the east African country with a population of 35 million people has been the scene of intermittent conflict. An estimated two million people have died over the past two decades from war-related causes and famine in southern Sudan, and millions more have been displaced. The Sudanese conflict, Africa's longest-running civil war, shows no sign of ending. The sources of the conflict are deeper and more complicated than the claims of political leaders and some observers. Religion is a major factor because of the Islamic fundamentalist agenda of the current government, dominated by the mostly Muslim/Arab north. Southerners, who are Christian and animist, reject the Islamization of the country and favor a secular arrangement. Social and economic disparities are also major contributing factors to the Sudanese conflict.

The abrogation of the 1972 Addis Ababa agreement in 1983, which ended the first phase of the civil war in the south, by former President Jaffer Nimeri is considered a major triggering factor in the current civil war. Although the National Islamic Front government, which ousted the democratically elected civilian government in 1989, has pursued the war in southern Sudan with vigor, previous governments, both civilian and military, had rejected southern demands for autonomy and equality. Northern political leaders for decades treated southerners as second-class citizens and did not see the south as an integral part of the country. Southern political leaders argue that under successive civilian and military governments, political elites in the north have made only superficial attempts to address the grievances of the south without compromising the north's dominant economic, political, and social status. In recent years, most political leaders in the north, now in opposition to the current government, say that mistakes were made and that they are prepared to correct them. But the political mood among southerners has sharply shifted in favor of separation from the north. The current government seems determined to pursue the military option. Economic conditions have deteriorated significantly, and millions of southern Sudanese are at risk of starvation due to a serious humanitarian crisis, partly caused by the government's decision to ban United Nations relief flights.

The Bush Administration's Report: An Overview

On April 21, 2003, the Bush Administration submitted its report on Sudan, as required by the Sudan Peace Act (P.L. 107-245). Section 6 (b) (1) (A) of the Act states that "the President shall make a determination and certify in writing to the appropriate congressional committees within 6 months after the date of enactment of this Act, and each six months thereafter, that the Government of Sudan and the SPLM are negotiating in good faith and that negotiations should continue." Section 8 of the Act requires the President to report on humanitarian access and aerial bombardment of civilian targets. Section 11 of the Act requires that the President submit a report on possible war crimes.

The Administration submitted several reports detailing the status of peace negotiations, humanitarian conditions, and the state of human rights in Sudan. In these reports, the Administration certified that both parties were negotiating in good faith and that negotiations should continue. The Administration based its determinations on four key findings: (1) current negotiations offer the best opportunity for a peaceful resolution of the conflict; (2) the negotiations have made "steady progress" on a wide range of issues, including power and wealth sharing, cease-fire modalities, humanitarian access, self-determination for the South and exemption of southern Sudan from *Sharia* laws; (3) the parties to the conflict are committed to continuing the negotiations; and (4) the mediators and the parties to the conflict believe that a just and lasting solution can be found.

There has been no major disagreement over the justification of certification of Section 6 based on the parties publicly stated desire to continue negotiations. Critics have asserted, however, that the Administration's report on Section 8 is inconsistent, omits key facts, and in some places is erroneous. The White House's Memorandum of Justification states that "the Verification Monitoring Team (VMT), created as a means to supplement an October 2002 cessation of hostilities between the SPLM and the government of Sudan, details violations by Khartoum's regular and irregular forces." However, according to some members of the U.S.-led Civilian Protection and Monitoring Team (CPMT) and IGAD officials, there is no evidence to prove that the VMT actually existed then or detailed violations by the government of Sudan. Some still question whether the VMT is fully operational. On May 7, 2003, the chief of the SPLA delegation to the IGAD talks stated that "the Government of Sudan attempts to create procedural obstacles to the verification process by insisting on meetings of the channel of communications, before field mission, contradicts the Addendum."

Section 11 of the State Department report indicates that "pursuit of war objectives by allies of the SPLM/A in eastern Sudan in October-November 2002 and in western Sudan since the beginning of 2003, to both of which the Government has responded, has run counter to the spirit of the Memorandum of Understanding (MOU), if not the letter, and produced violence that has spilled over into civilian sector." This assertion has been criticized by observers who assert that the last major engagement in eastern Sudan was in August-September 2002, before the signing of the Cessation of Hostilities Agreement of October 2002 and that there were no military engagements in eastern Sudan in October-November 2002 between NDA forces and the government of Sudan. Furthermore, critics of the State Department report argue that the rebellion in Darfur state (western Sudan) is home-grown and that the SPLA does not have a military presence there. In late April 2003, a senior Sudan government official stated that the "SPLA is not connected to events in

Darfur.” (FBIS translated Text. Al-Khartoum, April 28, 2003.) Sudan’s Foreign Minister also stated that he did not have evidence to prove the SPLA is involved in the Darfur crisis.

The Administration’s reports note numerous violations of agreements by the government of Sudan, although critics of the report allege that its conclusions tend to downplay the seriousness of these violations. Most of the violations are covered in the Administration’s Section 8 and 11 reports. They all center on obstruction of humanitarian delivery, displacement of civilians, offensive measures against the SPLA and civilians in Western Upper Nile, and aerial bombardment of civilian targets. Beginning in late December 2002, reports surfaced that the government of Sudan had engaged in a series of attacks against SPLA forces and civilians in Western Upper Nile. The U.S.-led Civilian Protection Monitoring Team (CPMT) conducted an investigation and issued a report in February 2003. The report indicated that the government of Sudan had violated the Cessation of Hostilities agreement on a number of occasions. According to the report, “military attacks against villages and non-combatant civilians have been conducted by the Government of Sudan (GOS)-allied militia, supported directly by GOS military forces.”

The CPMT report stated that “non-combatants have been abducted, including men/boys (for military services), while women and children have been taken to GOS controlled towns, where the children are kept captive and women forced to provide manual labor and sexual services.”¹ The government of Sudan alleged that its military activity was in response to SPLA provocation. The CPMT report, however, stated that “there was no indication that the SPLA had attacked GOS or GOS-allied militia in the region.” The reported attacks on civilians and the displacement of tens of thousands of people in Western Upper Nile appear to have the sense of confidence that existed after the signing of the Framework Agreement in July 2002. Critics of the State Department assert that the Administration’s report downplays the government’s ongoing intransigence in Western Upper Nile. According to CPMT, forceful displacement of civilians in Western Upper Nile by government forces took place in violation of the signed agreement. Members of the CPMT reported on numerous occasions that the government continued to build roads and establish garrison towns between Bentiu and Leer for oil development in violation of the Cessation of Hostilities agreement (see attached map). CPMT officials indicated they had digital photographs confirming government violations. From the perspective of critics of the CPMT report, it accuses the SPLA of a number of violations but fails to provide the available evidence in support of these charges. They emphasize that the February 2003 CPMT report clearly stated that the SPLA did not engage in offensive measures against the government.

Peace Talks

Peace efforts to end the civil war in Sudan have not succeeded in part because of irreconcilable differences on fundamental issues between the “Arabized” north and southern rebels. The strong belief by the NIF regime that it could resolve the conflict through military means has been and continues to be a major impediment to peaceful efforts. Another major obstacle is NIF’s inflexible position on the role of religion in politics and government. The

¹ CPMT Final Report: Military Events in Western Upper Nile, 31 December 2002-30 January 2003.

government seems to show interest in talks when it is weakened militarily or to buy time to prepare for another military offensive.

The IGAD Peace Process

Alarmed by the deepening crisis and multiple failed attempts by outside mediators, members of the Inter-Governmental Authority for Development (IGAD), a regional organization that promotes cooperation and development, formed a mediation committee consisting of two organs: a summit committee of heads of state from Ethiopia, Eritrea, Kenya and Uganda, and a standing committee composed of their mediators. Preliminary talks were held in November 1993 and January 1994, and formal negotiations began in March and May of the same year. Presented at the May meeting, the Declaration of Principles (DOP) included the following provisions: the right of self-determination with national unity as a high priority, separation of religion and state (secularism), a system of governance based on multiparty democracy, decentralization through a loose federation or a confederacy, respect for human rights and a referendum to be held in the south with secession as an option. The NIF government initially resisted the DOP, particularly self-determination and secularism. The Sudan People's Liberation Movement (SPLM) accepted the DOP and the government was later persuaded by the mediators to accept the DOP.

The IGAD peace process began with the view that the Sudan conflict was having serious repercussions not only in the country but also in the region, and sought to deal with the root causes of the conflict. Conditions were ripe for talks since both sides were exhausted from years of fighting and some members of the IGAD committee were seen by Khartoum as allies. In 1994, however, relations between IGAD member Eritrea and Sudan began to deteriorate largely due to Sudan's support for an Eritrean opposition group, the Eritrea Islamic Jihad. Meanwhile, serious opposition to the DOP began to emerge from the NIF government. The most contentious issues were secularism and self-determination, which the Khartoum government refused to concede. In July 1994, the polarization of the two sides intensified after the Khartoum government appointed a hard-line NIF member to its delegation.

The Khartoum delegation professed the government's commitment to Islamic law as part of a religious and moral obligation to promote Islam in Sudan and throughout the continent, and refused self-determination as a ploy to split the country. In September, President Moi of Kenya convened a meeting of the committee's heads of state, Sudan's President al-Bashir and the leader of SPLA. The Khartoum government walked out of these peace talks, rejecting the DOP. Loss of military ground and intense international pressure forced the government to the negotiating table in Nairobi in 1997 and formally accepted the DOP. The return to the IGAD process was, in part, in recognition of its failed effort to attract other mediators, who might have been more supportive of NIF positions.

Further meetings in 1997-1998 sought to narrow divisions between the two sides with the government of Sudan formally agreeing to self-determination for the south. The government of Sudan also appeared willing to compromise on some other issues. In May 1998, the parties, despite some progress earlier, disagreed on which territories were considered part of the south. The Khartoum delegation defined the south as the three provinces of Bahr el Ghazal, Equatoria, and Upper Nile, established at independence in January 1956. The SPLM/A argued that Southern Kordofan and Southern Blue Nile and

other areas on the margins of the three core provinces were also part of the south. There were also serious disagreements on the duration of the interim period before a referendum on self determination, and issues relating to interim arrangements were shelved by the mediators in part to avoid failure. The question of religion and state remained unresolved.

The United States and the European Union praised Khartoum's acceptance of self-determination as a major step forward. However, some observers saw the agreement on self-determination as a small step in the right direction after years of stalled efforts. The most contentious and difficult issues are yet to be tackled by IGAD mediators, including the separation of religion from politics and interim arrangements prior to the referendum. Some observers believe that it is too soon to judge whether the concession on self-determination represents a change in Khartoum's position or a tactical move to buy more time. A follow-up meeting between the parties took place in Addis Ababa, Ethiopia in early August 1998. The talks collapsed due to differences on the role of religion in politics. The parties also disagreed again on the territorial definition of southern Sudan for the purpose of referendum. In February 2000, the parties met in Nairobi but failed to make progress. In early June 2001, President Moi reconvened the stalled IGAD peace talks in Nairobi. No progress was made, according to a press release issued at the conclusion of the talks. In January 2002, IGAD mandated President Moi to merge the IGAD peace process with the Egypt-Libya Initiative (ELI), a peace initiative launched by the governments of Egypt and Libya in 2000. A peace summit is expected to take place in mid-June 2002.

The Machakos Negotiations

On July 20, 2002, the government of Sudan and the Sudan People's Liberation Army, after five weeks of talks in Machakos, Kenya, signed a Framework Agreement to end the war in southern Sudan. The Machakos Protocol calls for a 6-year transition period and a referendum on the political future of southern Sudan at the end of the transition period. The Agreement establishes an independent Assessment and Evaluation Commission to monitor and evaluate the implementation of a final peace agreement. The Machakos Protocol also exempts southern Sudan from the Islamic law or Sharia. The United States, the United Kingdom, and Norway participated as observers in the Machakos IGAD negotiations.

The Framework Agreement is seen by the mediators and Sudan observers as a major breakthrough in the long-stalled IGAD peace process. The government of Sudan had favored the earlier Draft Agreement, which neglected self determination for the South and downplayed the separation of religion and the state. The Framework Agreement by contrast gave both sides something to take back to their constituencies. The government of Sudan was able to secure agreement that it can continue its Sharia laws in the North, while the SPLM/A was able to secure clear agreement on a referendum to determine the political future of southern Sudan, after a six-year transition period. The SPLM/A made important concessions at Machakos, paving the way for the Framework Agreement. The SPLM/A had long insisted on a short transition period, two to four years. The government had long insisted on a ten-year transition period. The SPLM/A accepted a longer transition period in order to give unity a chance, according to members of the SPLM/A delegation at the talks. The SPLM/A also abandoned its long-standing opposition to Sharia by agreeing to the continuation of Sharia laws in the North. The government of Sudan's acceptance of a referendum at the end of the transition period was also seen as an important concession.

The second phase of the negotiations in late 2002 proved difficult. There were significant disagreements on a wide range of issues. The parties met to discuss the transition period in mid-August 2002 and agreed to the following agenda: (1) Structure of Government: Power Sharing, Wealth Sharing, Human Rights, and Judiciary and the Rule of Law; (2) Security Arrangements; (3) Modalities for Implementing the Peace Agreement; (4) Regional and International Guarantee. The first two weeks were designed for briefings and lectures by experts on a wide range of issues relating to nation building and conflict resolution. Shortly after, the parties were given a 51-page report called "Draft Protocol on Power Sharing Within the Framework of a Broad based Transitional Government of National Unity Between the Government of Sudan and the SPLM." The parties were asked to respond to the mediators' draft.

The government of Sudan and the SPLM delegations met in Karen, Kenya, in late January-early February 2003 to discuss power- and wealth-sharing arrangements for the Interim Period. The parties reached agreement in principle on some aspects of power and wealth sharing but remain far apart on a number of key issues. In previous talks, the negotiations were stalled because the parties could not agree on allocation of parliamentary seats, civil service positions for Southern Sudanese, share of revenues from oil and other resources, and power-sharing arrangements in the executive. During the recent talks, the parties agreed to move away from percentages and agreed on a formula of "equitable" power and wealth sharing arrangements. Although there appears to be broad understanding and agreement about the formula, the prospects for misinterpretations are substantial. The mediators appear eager to reach agreements where possible and avoid contentious issues, leaving unresolved issues for a later date. The limited success on power and wealth sharing issues hinges completely on the word "equitable" sharing of power and wealth. The real challenge is likely to come when the parties begin to discuss what "equitable" means to each side. The SPLM asserts that decades of neglect of and discrimination against the South should be compensated by giving Southerners more than what they have been offered in the past. The government of Sudan argues that other Sudanese communities also deserve attention.

Special Envoy Danforth's Mission

On September 6, 2001, President Bush appointed former Senator John Danforth as Special Envoy for peace in the Sudan. During a White House ceremony, President Bush stated that "for nearly two decades, the government of Sudan has waged a brutal and shameful war against its own people. And this is not right, and this must stop." President Bush affirmed his Administration's commitment to "bringing stability to the Sudan." In response, Envoy Danforth stated that "the effectiveness of America's efforts for peace in Sudan will depend on our communication and cooperation with other interested countries, including the European Union and countries neighboring Sudan, especially Egypt and Kenya."

In late November 2001, Danforth made his first visit to Sudan and other neighboring countries to assess the Sudan peace process and humanitarian conditions. In Khartoum, he met with President Bashir of Sudan and senior government officials. In opposition-controlled southern Sudan, he met with senior officials of the Sudan People's Liberation

Movement (SPLM). In Nairobi, Kenya, he met with President Moi, and in Egypt Danforth met with President Hosni Mubarak and senior government officials.

Danforth was given the mandate to ascertain if there is a role for the United States to play in the peace process. As part of his mandate he first sought to test the parties to the conflict to determine if they were serious about a negotiated settlement. He proposed four confidence building measures. These included (1) a ceasefire in the Nuba Mountains region to facilitate relief assistance; (2) the creation of “days tranquility” to administer immunizations and provide humanitarian relief assistance; (3) an end to aerial bombardment of civilian targets; and (4) the creation of an Eminent Persons Group on slavery in Sudan.

The Danforth Report: Analysis

In April 2002, Danforth submitted his report to President Bush. He made a number of recommendations and gave his assessment of the situation concerning the peace process. Danforth concluded that there is a role for the U.S. in the peace process. The Danforth report recommends that the U.S. support the IGAD peace process and help coordinate it with other initiatives. Some observers interpreted his recommendation as an endorsement of constructive and energetic U.S. engagement in the peace process, currently spearheaded by President Moi of Kenya. Others saw a rejection of a unilateral or U.S.-led peace initiative. The Danforth recommendation reaffirms continued U.S. support of and preference for the IGAD peace process, which had been pursued by the Clinton Administration for several years. The policy to remain engaged in support of the IGAD peace process does not represent a change in U.S. policy, although the levels of engagement and financial and political support are expected to be robust.

Another conclusion by Danforth is that the war is not winnable by either side to the conflict. Thus, a negotiated settlement is the only option. This conclusion echos the long-standing conventional wisdom that the war is stalemated. Some observers had suggested that the new oil revenue could tilt the military balance of power in favor of the government. Indeed, the government of Sudan has been acquiring new weapons, especially helicopter gunships and fighter planes, from Russia and other countries. Critics maintain that the government of Sudan is using these newly acquired weapons to terrorize civilian populations, especially in the oil fields. Sudan observers have witnessed a rise in the deadly use of air power against civilians, as witnessed in the bombings in Bieh and Rier in Western Upper Nile in the past several months. The government, however, has not been able to reverse gains made by the SPLA in recent years. In fact, the most recent government offensives in Bahr el-Ghazal and Western Upper Nile have been quashed by SPLA forces. Some observers contend that although the SPLA and its allies may not be able to march into Khartoum, it is plausible that the government of Sudan could be defeated in southern Sudan, since the government’s presence in the south is limited to a handful of garrison towns.

Current Developments

In May 2003, the Foreign Minister of Sudan, Mustafa Ismail, visited Washington for consultations with State Department officials. In late May 2003, a senior SPLA delegation, led by its leader Dr. John Garang, met with senior Bush Administration officials to discuss the Kenyan-led peace talks between the government of Sudan and the SPLA.

In early April 2003, the government of Sudan and the Sudan People's Liberation Movement met in Nairobi, Kenya, for their fourth round of talks. The current talks are focused on security arrangements during the transition period. The parties also began negotiations on the three disputed areas of Abyei, the Nuba Mountains, and Southern Blue Nile. On April 2, 2003, President Omar Bashir and Dr. John Garang met in Nairobi, Kenya, at the invitation of President Kibaki of Kenya. The three leaders discussed the IGAD-led peace process on Sudan and reaffirmed their commitment to the peace process.

In early February 2003, the U.S. Civilian Protection Monitoring Team (CPMT) issued its final report on military activities in Western Upper Nile (WUN). The investigation was triggered by persistent reports of attacks against civilians by government forces and its allied militia in WUN. The report concluded that "in the Mayom-Mankien-Lara-Tam-Leel area, military attacks against villages and non-combatant civilians have been conducted by the Government of Sudan (GoS)-allied militia, supported directly by GoS military forces." The report also stated that civilians had been abducted, cattle and crops looted, and many civilians displaced. The SPLA forces did not take offensive measures against Sudanese government forces but defended some villages from attacks by government forces. The report also confirmed that government forces continued military buildup in WUN and other areas in violation of the Cessation of Hostilities Agreement.

In mid-December 2002, the State Department hosted two days of talks between the government of Sudan and the Sudan People's Liberation Movement (SPLM) in Washington. The talks were intended to complement the on-going IGAD talks in Kenya. No major agreements were signed, but the parties reaffirmed their commitments to the IGAD peace process.

In late November 2002, the government of Sudan and the Sudan People's Liberation Movement (SPLM) agreed to extend the cessation of hostilities agreement, signed in October 2002, through March 2003. The agreement was signed at the conclusion of the second round of talks at Machakos, Kenya. Observers stated that significant differences remained on power and wealth sharing, security agreements, and whether Khartoum, the capital, should become a secular capital without the restrictions of Sharia laws.

On October 29, 2002, President Bush renewed Executive Order 13067, economic sanctions imposed on the government of Sudan in 1997. In his letter to Congress, President Bush declared that "Because the actions and policies of the government of Sudan continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on November 3, 1997, and the measures adopted on that date to deal with that emergency must continue in effect beyond November 3, 2002." Meanwhile, the U.S. Treasury Department blocked the assets of 12 Sudanese entities, including the Sudan National Broadcasting Corporation, in late October 2002.

In mid-October 2002, the government of Sudan returned to the Kenya-sponsored talks, after more than a month of absence. The government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) signed a cessation of hostilities agreement at the beginning of the talks in Machakos, Kenya. In the second phase of the negotiations, the parties are discussing power- and wealth-sharing. In late October 2002, the parties also signed an agreement to give humanitarian workers unfettered access to all parts of Sudan.

On October 21, 2002, President Bush signed the Sudan Peace Act at a White House ceremony in which Members of Congress, religious leaders, and Sudan activists participated. President Bush stated that "The Government of Sudan must choose between the path to peace and the path to continued war and destruction." The Act authorizes \$300 million for education, health care, and infrastructure support in opposition-controlled areas of Sudan. The Act also requires the President to impose sanctions if the government of Sudan fails to negotiate in good faith. The government of Sudan condemned the Sudan Peace Act, referring to the Act as "the Sudan War Act."

In early September 2002, the government of Sudan walked out of the IGAD-sponsored talks in Kenya. The government accused the Sudan People's Liberation Army (SPLA) of "offensive military activity" in Eastern Equatoria. The SPLA captured Torit, the capital of Eastern Equatoria State, in response to a series of government attacks in Western Upper Nile province and other parts of southern Sudan. The government of Sudan demanded the withdrawal of SPLA troops from Torit and a cease-fire agreement before Khartoum returns to the talks in Kenya. Analysts assert that the real reason behind the withdrawal was that the government of Sudan is opposed to a confederal arrangement and rejects SPLA positions on security arrangements in the transition period. In early October 2002, the government of Sudan returned to the talks under intense international pressure and after it re-captured Torit.

On July 20, 2002, the government of Sudan and the Sudan People's Liberation Army (SPLA), after five weeks of talks in Machakos, Kenya, signed a framework agreement to end the war in southern Sudan. The Machakos Protocol calls for a 6-year transition period and a referendum on the political future of southern Sudan at the end of the transition period. The Agreement establishes an independent Assessment and Evaluation Commission to monitor and evaluate the implementation of a final peace agreement. The Machakos Protocol also exempts southern Sudan from Sharia laws. The United States, the United Kingdom, and Norway participated as observers in the Machakos IGAD negotiations.

The Humanitarian Crisis

The current humanitarian crisis in southern Sudan is considered one of the worst in decades. According to the World Food Program (WFP), southern Sudanese "are facing serious food and water shortages due to the combined disruptions of civil war and drought." (World Food Program website, [<http://www.wfp.org/index.asp?section=2>].) According to WFP, more than 2.9 million people in the south of the country are "severely affected" by the civil war, and an estimated 800,000 people are affected by drought in the north. Operation Lifeline Sudan (OLS), which is the U.N.-coordinated relief effort, was established in 1989 in response to the death of 250,000 people due to starvation in southern Sudan. The OLS is a consortium of UN agencies and more than 40 non-governmental organizations (NGOs) that provides emergency relief for civilians living in drought and war-affected areas.

The 18-year civil war, drought, and raids by government-backed militias and rebel groups have disrupted the distribution of food aid and obstructed assessments of need in severely affected areas. The crisis has escalated dramatically in recent years. The scorched-earth techniques used by pro-government militias have decimated fields and homes and forced tens of thousands of people to flee the war-torn areas. According to reports from the scene, the government of Sudan routinely and deliberately denies access to areas of southern Sudan to the OLS, according to U.N. relief officials. The government of Sudan has denied access to WFP relief flights to 43 locations in southern Sudan, according to WFP. Many relief centers and hunger-stricken areas are inaccessible by ground transportation because roads were destroyed, did not exist or are impassible due to rain and mud. Moreover, deliberate aerial bombardment of civilian centers has led to serious humanitarian crisis. In February 2002, government helicopter gunships bombed Bieh in Western Upper Nile, while civilians were lined up at a food distribution center. Seventeen people were killed and many more injured.

U.S. Response. The United States contributed more than \$231.1 million in humanitarian assistance in fiscal year (FY)1999, \$93.7 million in FY2000, and \$154.7 million in 2001. As of May 2002, the United States has provided an estimated \$83.9 million in humanitarian assistance in the current fiscal year. Moreover, the United States is providing development aid in opposition-controlled areas to build the capacity of civil administration, conflict resolution, and assist indigenous non-governmental organizations. The Sudan Transition Assistance for Rehabilitation (STAR) was increased from \$2 million in FY1999 to \$4.25 in FY2000, and the STAR budget for FY2001 was \$4 million. In 2002, the Bush Administration announced two major development programs for southern Sudan and significantly increased the development budget. According to USAID, the Southern Sudan Agricultural Revitalization Project provides \$22.5 million for a five year program to improve agricultural production. The Sudan Basic Education Program is a five-year \$20 million program designed to improve access to quality education.

Sudan and Terrorism

Sudan is considered a rogue state by the United States because of its support of international terrorism, although in recent years it has taken some measures to improve its record. The State Department's 2002 *Patterns of Global Terrorism* report said that Sudan "has stepped up its counter terrorism cooperation with various U.S. agencies, and Sudanese authorities have investigated and apprehended extremists suspected of involvement in terrorist activities." According to the same report, "Sudan, however, remained a designated state sponsor of terrorism. A number of international terrorist groups, including Al Qaeda, the Egyptian Islamic Jihad, Egyptian al-Gama' al-Islamiyya, the Palestinian Islamic Jihad, and HAMAS continued to use Sudan as safe haven, primarily for conducting logistics and other support activities." Counter-terrorism cooperation began in mid-2000, but the government of Sudan did not offer significant assistance until after the September 11 terrorist attacks. In November 2001, President Bush renewed U.S. bilateral sanctions on Sudan and the State Department kept Sudan on the terrorism list.

The United States placed Sudan on the list of states that sponsor terrorism in August 1993 after an exhaustive interagency review and congressional pressure. Sudan has been a safe haven for major terrorist figures. A particularly noteworthy example is Osama bin

Laden. He used Sudan as a base of operations until mid-1996 when he returned to Afghanistan, where he had previously been a major financier of Arab volunteers in the war against the Soviet occupation of Afghanistan. The government of Sudan claims that it expelled bin Laden from Sudan due to pressures from the Middle East and the United States. In August 1996, the State Department said that bin Laden was “one of the most significant financial sponsors of Islamic extremist activities in the world today.”

Sudan and Oil Development

The government of Sudan earns an estimated \$500 million annually from oil since it began to export in August 1999. Chevron began oil exploration in the mid-1970s and made its first discovery in 1979. Large reserves in the Upper Nile region of southern Sudan were discovered in the 1980s. Chevron interrupted its work several times in the mid- and late 1980s after attacks by the SPLA. In 1990, Chevron halted operations and sold its concessions to Arakis, a Canadian oil company. Arakis was not able to raise the necessary capital for its projects in Sudan, and due to company financial troubles, it was taken over by another Canadian oil company, Talisman Energy. In March 1997, Talisman Energy, Petronas Carigali of Malaysia, PetroChina, a subsidiary of China National Petroleum Company (CNPC), and Sudapet, Sudan’s national petroleum company, signed an agreement and created a consortium, the Greater Nile Petroleum Operating Company (GNPOC) for oil production and construction of a 1,000-mile pipeline. PetroChina holds a 40% share, Petronas 30%, Talisman Energy 25%, and Sudapet 5% in GNPOC.

The government of Sudan and the oil companies involved in oil development have come under severe criticism from human rights groups and NGOs. Human rights groups accuse the government of Sudan of a scorched-earth policy. In a March 2001 report, Christian Aid, a British-based NGO, declared that “in the oil fields of Sudan, civilians are being killed and raped, their villages burnt to the ground.” (*Christian Aid*. “The Scorched Earth: Oil and War in Sudan, March 2001” [<http://www.christian-aid.org.uk>].) The report blames foreign companies for assisting the government of Sudan’s war effort by helping “build Sudan’s oil industry, offering finance and technological expertise and supplies.” According to press reports and the International Monetary Fund (IMF), the government of Sudan has doubled its military budget since it began exporting oil. Some observers believe that because of these new oil revenues, the government may not be interested in negotiating seriously to end the war.

Members of Congress and Sudan advocacy groups have called on the Bush Administration to impose capital market sanctions on companies involved in the oil industry of Sudan. The Sudan Peace Act, passed by the House in October 2000, contained a sense of Congress language for such measures. On April 26, 2001, Representative Payne introduced H.Con.Res. 113 (for more see legislation section). On June 5, 2001, Representative Tom Tancredo introduced H.R. 2052, the Sudan Peace Act. On June 13, 2001, the House amended and passed (422-2) H.R. 2052. H.R. 2052 is similar to H.R. 931, introduced in March by Representative Tancredo. H.R. 2052 condemned the government of Sudan, called for the appointment of a Special Envoy, and required foreign companies doing business in Sudan to disclose their activities to the public if they seek access to U.S. capital markets. The amendment, which passed by voice vote, prohibited companies engaged in oil exploration and production related activities in Sudan from “raising capital

in the United States.” Companies are also prohibited from trading securities “in any capital market in the United States.” The Bush Administration opposed the disclosure as well as the capital market sanction provisions of the Sudan Peace Act. (*Washington Post*, August 15, 2001)

Human rights groups and Sudan advocacy groups have launched a concerted campaign to pressure oil companies involved in Sudan. Since late 1999, a divestment campaign has been underway targeting Talisman Energy. As of April 2001, several U.S. institutions have divested from Talisman Energy, including the State of New Jersey, the State of California Public Employees Retirement System, the State of Texas Teachers Pension Plan, and the State of Wisconsin (late April 2001).

Sudan: Religious Persecution and Slavery

Of the estimated Sudanese population of more than 35 million, Sunni Muslims comprise 70%; animists 25%; and Christians 5%. The NIF government in Khartoum views itself as the protector of Islam in Sudan. Political opponents are viewed as anti-Islam and the civil war in southern Sudan is considered a *jihad*, or Holy War. For the Sudan People's Liberation Army (SPLA), the war is to free southerners from political domination and religious persecution.

The NIF government's practice of 'holy war' is reflected in attacks on civilians in the south. Some attackers are wooed in part by the tradition that during a *jihad* they can keep their booty. The result reportedly has been widespread institutionalized slavery and massive dislocation. Captured slaves reportedly are forced to attend Quranic schools, change their names, and sometimes indoctrinated to fight their own people. Through the government plan of "forced acculturation," thousands of children are abducted and forcibly converted to Islam or face harsh beatings and torture.

Aerial bombardment of civilian targets has emerged as one of the most serious human rights issues in U.S.-Sudanese relations. In 2000, the government of Sudan bombed civilian targets 167 times, according to the U.S. Committee for Refugees (USCR), a Washington-based NGO. In November 2000, the government dropped several bombs at a market in Yei, killing an estimated 18 people and wounding dozens. The State Department has condemned such attacks by the government of Sudan on a number of occasions, but to no avail. The government claims that it is targeting the military bases of the SPLA and that the SPLA deliberately surrounds its bases with civilians. But human rights groups and non-governmental organizations (NGOs) working in Sudan argue that the government is destroying hospitals, schools, and feeding centers. Media have reported that in February 2002, government helicopter gunships killed 17 civilians and wounded scores of people at a U.N. feeding center in Bieh, Upper Nile province; that in May 2002, over a dozen people were killed and over 50 wounded after government war planes dropped 16 bombs in Rier, Upper Nile.

The United States and Sudan

Relations between the United States and Sudan continue to deteriorate because of Khartoum's human rights violations, its war policy in the south, and its support for international terrorism. In 1967, Sudan broke diplomatic relations with the United States because of American support for Israel in the Arab-Israel war. Relations were restored after several months. In 1973, the U.S. Ambassador and the Deputy Chief of Mission were assassinated in Khartoum by members of the Black September group, who were tried and sentenced to life imprisonment in Sudan. Relations were further strained when Sudanese President Nimeri commuted the sentences of the assassins. In response, Washington recalled its new ambassador. In the mid-1970s, in the face of Soviet expansion in the Horn of Africa and the fall of Ethiopia into the Soviet sphere of influence, relations with the Nimeri regime began to improve. Nimeri's support during Operation Moses, in which an estimated 7,000 Ethiopian Jews were airlifted to Israel through Sudan, further strengthened U.S.-Sudanese relations, but later contributed to the ouster of Nimeri from power. Relations became strained once again when the democratically elected government of Sadiq el-Mahdi was ousted in a military coup in 1989. Since the military takeover, human rights abuses by the military junta have become a major source of tension between the two countries. The war in the south has also been a thorny issue in U.S.-Sudanese relations.

Another issue in U.S.-Sudanese relations is Sudan's role in support of international terrorism. Some Members of Congress have been instrumental in pushing a tougher Sudan policy and played a key role in the decision to put Sudan on the list of states that sponsor terrorism and to appoint a special envoy for Sudan. The State Department rejected congressional calls for a special envoy in December 1993. The Department argued that a U.S. special envoy would undermine regional and former President Carter's peace efforts. In a December 6, 1993 letter to Members of Congress, the Administration said the appointment of a special envoy "would send the erroneous impression that the U.S. is becoming directly involved, since Khartoum has made it clear that it rejects a role by the U.S. in the peace process." However, persistent pressure by some Members of Congress led to a reversal of State's position in early 1994, at the insistence of the National Security Council (NSC) at the White House. The Clinton Administration appointed former Representative Harry Johnston in late 1999. The Bush Administration appointed former Senator John Danforth in September 2001.

The Bush Administration and Current Policy Debate

In late 2000, Washington defeated efforts to lift United Nations sanctions on Sudan and prevented Sudan from becoming Africa's representative in the United Nations Security Council. Senior U.S. officials met with Sudanese government officials in 2000 to inform Sudanese officials what it would take to improve relations. U.S. security officials also spent several months in Khartoum talking with Sudanese security officials on terrorism. President Bush has mentioned Sudan twice in his speeches in the last 2 months, condemning human rights violations by the Bashir government. In early March 2001, Secretary of State Colin Powell told members of the House International Relations Committee that Sudan is a priority to him and the Administration.

Advocates of a tough U.S. policy towards the NIF government seem prominent in the policy debate and appear to have the sympathy of senior Administration officials and Members of Congress from both parties. In mid-2001, senior congressional leaders joined Sudan advocates in condemning the government of Sudan and at a press conference on Capitol Hill, Majority Leader Richard Armey (R-TX), Representative Charles Rangel (D-NY), and the NAACP announced the formation of a bipartisan Sudan Caucus. Advocates of a tough Sudan policy favor additional sanctions, appointment of a high-profile Special Envoy, and active U.S. engagement in peace efforts. They oppose the staffing of the U.S. embassy in Sudan and some favor support for opposition forces. These advocates would like the United States government to take specific measures to address slavery and aerial bombardment of civilian targets. Some who favor a policy of engagement argue that the policy of containment and isolation has failed to produce tangible results and that the United States itself is now isolated.

A report by the Center for Strategic and International Studies (CSIS) argues that the United States should focus on ending the war and engage the government of Sudan in dialogue.² The report argues that “in the past 2 years, Sudan’s rising oil production has shifted the balance of military power in the government’s favor at the same time that significant internal rifts have surfaced in Khartoum.” The report contends that “in this fluid context, the United States possesses significant leverage. Among the major powers, it is the lone holdout in renewing a dialogue with Khartoum.” The authors of the report support the full staffing of the U.S. embassy, a U.S.-supported peace process, and a “One Sudan, Two Systems” formula to preserve the unity of the country. The CSIS report drew fire from Sudan activists and has triggered a sharp debate on U.S. policy toward Sudan.

The Clinton Administration and Sudan

In May 1996, then U.S. Ambassador to the United Nations, Madeleine Albright, reportedly called Sudan “a viper’s nest of terrorism.” The United States closed its embassy in Khartoum in February 1996 and moved the remaining embassy personnel to Nairobi because of security concerns. Moreover, the U.S. government has imposed a series of sanctions on the NIF regime over the years. Washington suspended its assistance program after the NIF-led coup in 1989, placed Sudan on the list of states that sponsor terrorism in August 1993, and supported United Nations Security Council sanctions on Sudan. The Clinton Administration expelled one Sudanese embassy official, who had been based in New York, for suspected links to an alleged plot to bomb the United Nations. (Goshko, John. “Sudanese Envoy at U.N. Ordered to Leave U.S.” *Washington Post*, April 11, 1996. A17.) Another Sudanese diplomat, who was a suspect in the plot, left for Sudan.

On November 22, 1996, President Clinton announced the Administration’s decision to ban senior Sudanese government officials from entering the United States as called for in Security Council Resolution 1054. On September 28, 2001, the United Nations Security Council lifted these sanctions. The Administration actively supported allies in the region affected by an NIF-sponsored destabilization campaign. The United States has provided an estimated \$20 million in surplus U.S. military equipment to Uganda, Eritrea, and Ethiopia. The non-lethal military assistance such as uniforms and communications equipment to the

² *U.S. Policy to End Sudan’s War*. Report of the CSIS Task Force on U.S.-Sudan Policy, Feb. 2001.

“frontline states” was intended to support them in fending off NIF’s campaign of destabilization. Observers interpret U.S. support to these countries as a measure to contain, punish, and facilitate the downfall of the fundamentalist government in Khartoum.

In November 1997, the Clinton Administration imposed comprehensive sanctions on the NIF government after an exhaustive policy review. The sanctions restrict imports or exports from Sudan, financial transactions, and prohibit investments. In making his case for the sanctions, President Clinton stated that “the policies and actions of the government of Sudan, including continued support for international terrorism; ongoing efforts to destabilize neighboring governments; the prevalence of human rights violations, including slavery and the denial of religious freedom, constitute extraordinary threat to the national security and foreign policy of the United States.” (Text of the executive order can be found at the U.S. Department of the Treasury’s Office of Foreign Assets Control Web site at [<http://www.ustreas.gov/ofac/legal/sudan.html>].)

107th Congress Legislation

P.L. 107-245, H.R. 5531. Called for a comprehensive peace in Sudan and condemned the government of Sudan for human rights abuses. Introduced October 2, 2002. Passed House 359-8 on October 7, 2002. Received in the Senate on October 8, 2002. Passed Senate by unanimous consent on October 9, 2002. Signed into law October 21, 2002.

H.Con.Res. 112 (Payne). Called for an end to slavery in Sudan. Introduced April 26, 2001.

H.Con.Res. 113 (Payne). Condemned the government of Sudan and urged the Administration to deny foreign companies doing business in Sudan U.S. capital market access. Introduced April 26, 2001.

H.R. 931 (Tancredo). Called for a comprehensive peace solution to the war in Sudan. Introduced March 7, 2001.

H.R. 2052 (Tancredo). Called for a comprehensive peace in Sudan, condemned the government of Sudan, required foreign companies doing business in Sudan to disclose their activities to the SEC if these companies were seeking access to U.S. capital market, and prohibited companies engaged in the oil and gas sector in Sudan from raising capital and trading securities in any capital market in the United States. Introduced June 5, 2001; referred to Committee on International Relations. Passed House, amended (422-2), June 13, 2001. (Similar to H.R. 931, introduced in March by Representative Tancredo.)

S. 180 (Frist). Called for a comprehensive peace in Sudan and condemned the government of Sudan for human rights abuses. Introduced January 25, 2001. Passed Senate July 19, 2001, by unanimous consent.

LEGISLATION**H.Res. 194 (Capuano)**

Called for an end to slavery and human rights abuses in Sudan. Introduced April 10, 2003. Passed House July 16, 2003.